

REMARKS

Applicants appreciate the courtesy extended by Examiners Kuhns during a telephone conference on January 23, 2006.

Claims 1, 7-22, 24, and 26-34 were pending in the application. By this paper, claims 1 and 21 have been amended and claims 30, 31, 33 and 34 have been canceled. No claims have been added, and the revisions presented place the claims in better condition for appeal. Accordingly, applicants request entry of this response after final rejection.

Claims 1, 7-22, 24 and 26-28 are rejected under 35 U.S.C. 103(a) over WO 96/31406 ("Brilman") in view of WO 96/33618 ("Dunn"). In response, applicants have amended claims 1 and 21 in conformance with Examiner Kuhns' suggestion, put forward during the telephone conference, to add to the claims a recitation concern foam head stability, an inherent property highlighted in the Rule 132 Declaration filed on August 3, 2005.

Thus, claims 1 and 21 now recite that "the nitrous oxide and nitrogen, in combination, provide the liquid with a stiff foaming head that is stable for 15 minutes at refrigerator temperatures." No permutation of teachings from Brilman and Dunn could have suggested these features, along with the other elements prescribed in claims 1 and 21, respectively.

Claims 7-20, 22, 24, 26-29 and 32 depend from claim 1 or claim 21 and, hence, are allowable for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

Applicants have also amended the specification to recite explicitly the implicit features now recited in the claims. This revision is permissible, since that the specification now recites nothing more or less than an inherent feature of the invention. See MPEP 2163.07(a) and *In re Reynolds*, 443 F.2d 384; 170 U.S.P.Q. (BNA) 94 (CCPA 1971). See also the aforementioned Rule 132 Declaration.

In view of the foregoing, applicants request a favorable disposition of this case, which is deemed to be condition for allowance. Examiner Kuhns is invited to contact the

undersigned by telephone, should there remain any other issue that she feels warrants consideration.

The Commissioner is hereby authorized to charge any additional fees and to credit any overpayment to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 20, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

By Jessica M. Palmer Reg. 56,986
Jessica M. Palmer
Stephen A. Bent
Attorney for Applicant
Registration No. 29,768